

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6266

RICHIE HANSFORD CONNOR,

Plaintiff - Appellant,

v.

A. GENE HART,

Defendant - Appellee.

No. 10-6229

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHIE HANSFORD CONNOR,

Defendant - Appellant.

Appeals from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge. (7:10-cv-00017-SGW-MFU;5:07-cr-00066-SGW-MFU-1)

Submitted: May 20, 2010

Decided: May 28, 2010

Before WILKINSON, NIEMEYER, and DAVIS, Circuit Judges.

No. 10-6266 affirmed; No. 10-6229 dismissed by unpublished per curiam opinion.

Richie Hansford Connor, Appellant Pro Se. Jeb Thomas Terrien, Assistant United States Attorney, Harrisonburg, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In Case No. 10-6266, Richie Hansford Conner appeals the district court's orders dismissing under 28 U.S.C. § 1915(e)(2)(B) (2006) his civil action, which the court considered pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and denying his motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Conner v. Hart, No. 7:10-cv-00017-SGW-MFU (W.D. Va. Jan. 14, 2010 & Feb. 3, 2010).

In Case No. 10-6229, Conner seeks to appeal the district court's order dismissing as untimely his 28 U.S.C.A. § 2255 (West Supp. 2009) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must

demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that Conner has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 10-6266 AFFIRMED
No. 10-6229 DISMISSED